

1 DENNIS J. HERRERA, State Bar #139669  
2 City Attorney  
3 WAYNE SNODGRASS, State Bar #148137  
4 CHRISTINE VAN AKEN, State Bar #241755  
5 JEREMY M. GOLDMAN, State Bar #218888  
6 Deputy City Attorneys  
7 1 Dr. Carlton B. Goodlett Place  
8 City Hall, Room 234  
9 San Francisco, California 94102-4682  
10 Telephone: (415) 554-4633  
11 Facsimile: (415) 554-4699  
12 E-Mail: christine.van.aken@sfgov.org

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14 Attorneys for Defendant  
15 CITY AND COUNTY OF SAN FRANCISCO

16  
17 UNITED STATES DISTRICT COURT  
18  
19 NORTHERN DISTRICT OF CALIFORNIA

20 THE AMERICAN BEVERAGE  
21 ASSOCIATION, CALIFORNIA RETAILERS  
22 ASSOCIATION, CALIFORNIA STATE  
23 OUTDOOR ADVERTISING  
24 ASSOCIATION,

25 Plaintiffs,

26 vs.

27 THE CITY AND COUNTY OF SAN  
28 FRANCISCO,

29 Defendant.

30 Case No. 3:15-cv-03415 EMC

31 **STIPULATION AND [PROPOSED] ORDER**  
32 **DISMISSING COUNT I AND COUNT II OF**  
33 **COMPLAINT**

34 Trial Date: None set

1 WHEREAS, Count I and Count II of Plaintiffs' Complaint challenges San Francisco Ordinance  
2 No. 98-15 as in violation of the First and Fourteenth Amendments to the United States Constitution;

3 WHEREAS, subsequent to the filing of the Complaint, the City and County of San Francisco  
4 repealed Ordinance No. 98-15; and

5 WHEREAS, the parties agree that Plaintiffs' challenges to Ordinance No. 98-15 are now moot,  
6 the parties therefore now stipulate and agree that Count I and Count II of the Complaint shall be  
7 dismissed without prejudice, with each side to bear its own fees and costs respecting Count I and  
8 Count II of the Complaint, but nothing in this stipulation shall impact the parties' rights with respect to  
9 their continuing dispute concerning the validity of San Francisco Ordinance No. 100-15.

10 **IT IS SO STIPULATED.**

11 Dated: June 2, 2016

12 DENNIS J. HERRERA  
13 City Attorney  
14 WAYNE SNODGRASS  
15 CHRISTINE VAN AKEN  
16 JEREMY M. GOLDMAN  
17 Deputy City Attorneys

18 By: *s/Christine Van Aken*  
19 CHRISTINE VAN AKEN

20 Attorneys for Defendant  
21 CITY AND COUNTY OF SAN FRANCISCO

22 Dated: June 2, 2016

23 LATHAM & WATKINS LLP

24 By: *\*s/James K. Lynch*  
25 JAMES K. LYNCH  
26 RICHARD P. BRESS  
27 MICHAEL E. BERN  
28 MARCY C. PRIEDMAN

29 Attorneys for Plaintiff  
30 THE AMERICAN BEVERAGE ASSOCIATION

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Dated: June 2, 2016

GIBSON, DUNN & CRUTCHER LLP

By: \*s/Theodore B. Olson

THEODORE B. OLSON  
ANDREW S. TULUMELLO  
HELGI C. WALKER  
JACOB T. SPENCER  
CHARLES J. STEVENS  
JOSHUA D. DICK

Attorneys for Plaintiff  
CALIFORNIA STATE OUTDOOR  
ADVERTISING ASSOCIATION

Dated: June 2, 2016

KNOX, LEMMON & ANAPOLSKY, LLP

By: \*s/Thomas S. Knox

THOMAS S. KNOX

Attorneys for Plaintiff  
CALIFORNIA RETAILERS ASSOCIATION

\*Pursuant to GO 45, the electronic signatory has  
obtained approval from this signatory.

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: 6/3/16

THE HONORABLE  
United States District Judge

Judge Edward M. Chen

